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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *et al.*,

Defendants.

SIERRA CLUB, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *et al.*,

Defendants.

No. 4:19-cv-00872-HSG
No. 4:19-cv-00892-HSG
No. 4:20-cv-01494-HSG
No. 4:20-cv-01563-HSG

**ORDER (AS MODIFIED)
WITHDRAWING PENDING
CROSS-MOTIONS FOR PARTIAL
SUMMARY JUDGMENT,
REFERRING CASES TO
MAGISTRATE JUDGE TO
FACILITATE SETTLEMENT
DISCUSSIONS, AND STAYING
PROCEEDINGS**

Upon consideration of the parties' stipulation submitted on September 13, 2021, and for good cause shown, the Court hereby **ORDERS**:

1. Plaintiffs' motion for partial summary judgment in *California II* (4:20-cv-1563) (ECF Nos. 55) is withdrawn without prejudice by counsel;
2. Plaintiffs' motion for partial summary judgment in *Sierra Club II* (4:20-cv-01494) (ECF Nos. 23) is withdrawn without prejudice by counsel;
3. Defendants' motions for partial summary judgment in *California II* (ECF No. 62) and *Sierra Club II* (ECF No. 30) are withdrawn without prejudice by counsel.
4. Pursuant to Local Rule 16-8 and Alternative Dispute Resolution Local Rule 7-2,

State of California, et al. v. Joseph R. Biden, et al., 4:20-cv-01563-HSG – Order
Sierra Club, et al. v. Joseph R. Biden, et al., 4:20-cv-01494-HSG – Order

1 the above-captioned cases are referred to the Honorable Judge Donna M. Ryu for a settlement
2 conference. The parties will be advised of the date, time and place of the next appearance by
3 notice from Magistrate Judge Ryu.


4 5. Consistent with the orders of the Supreme Court and the Ninth Circuit, the Court
5 further **VACATES** the judgments in *Sierra Club v. Biden*, No. 19-cv-0892 and *California v.*
6 *Biden*, Case No. 19-cv-0872 regarding border wall construction pursuant to 10 U.S.C. § 284 and
7 10 U.S.C. § 2808.

8 6. The above-captioned cases are stayed pending further order of the Court;

9 7. The parties shall submit a joint status report within 90 days of this order addressing
10 further proceedings in these cases.

11
12 **IT IS SO ORDERED**

13 DATED: September 13, 2021

14 
HAYWOOD S. GILLIAM, JR.
United States District Judge